

SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION
DIVISION 4. CONSUMER ASSISTANCE; CLAIM PROCESSES
28 TAC §§5.4200 and 5.4202

§5.4200. Definitions. The following definitions apply to this division:

(1) Appraiser--A person who is qualified to be an appraiser under §5.4212 of this title (relating to Appraisal Process - Appraiser Qualifications and Conflicts of Interest) and is selected by the association or a claimant to participate in the appraisal process.

(2) Association--Texas Windstorm Insurance Association. "Association" includes any authorized representative of the Texas Windstorm Insurance Association.

(3) Claimant--A person who makes a claim under an association policy.

(4) Department--The Texas Department of Insurance.

(5) Good cause--§5.4202 of this division defines good cause for the purpose of Insurance Code §2210.205.

(6) [(5)] Mediator--A person who is qualified to be a mediator under §5.4232 of this title (relating to Mediation Process - Mediator Qualifications and Conflicts of Interest).

(7) [(6)] Mediator roster--The roster of mediators maintained by the department.

(8) [(7)] Mediator selection panel--A short list of potential mediators from the mediator roster from which the department will select a mediator.

(9) [(8)] Party--The association or the claimant. "Party" includes employees and other representatives of a party.

(10) [(9)] Umpire--A person who is qualified to be an appraisal umpire under §5.4214 of this title (relating to Appraisal Process - Umpire Qualifications and Conflicts

of Interest) and is selected by the appraisers or the department to participate in the appraisal process.

(11) [(10)] Umpire roster--The roster of umpires maintained by the department.

(12) [(11)] Umpire selection panel--A short list of potential umpires from the umpire roster from which the department will select an umpire.

§5.4202. Good Cause Extensions Under Insurance Code §2210.205.

(a) If an insured shows good cause, Insurance Code §2210.205(b) allows the commissioner to extend the one-year period to file a claim with the association. The commissioner may extend the claim-filing deadline for no more than 180 days.

(b) Good cause, for the purposes of Insurance Code §2210.205 and this section, means objective facts beyond the insured's control that reasonably caused the insured to miss the one-year claim-filing deadline.

(c) A request for an extension under this section must:

(1) be sent in writing to the department, under §5.4251 of this title (relating to Requests and Submissions to the Department),

(2) describe the good cause that caused the insured to miss the one-year claim-filing deadline, and

(3) be signed by the insured or the insured's legal representative.